

**In the claims:**

Please amend the claims as follows:

- JPAL* → 1. (Amended) A method for the recombination of nucleic acid constructs, comprising:
- a) providing:
    - i) a first nucleic acid construct comprising, in operable order, an origin of replication, a first sequence-specific recombinase target site, and a nucleic acid of interest;
    - ii) a second nucleic acid construct comprising, in operable order, an origin of replication, a gene expression regulatory element and a second sequence-specific recombinase target site adjacent to and downstream from said gene expression regulatory element; and
    - iii) a site-specific recombinase;
  - b) contacting said first and said second nucleic acid constructs with said site-specific recombinase under conditions such that said first and second nucleic acid constructs are recombined to form a third nucleic acid construct, wherein said nucleic acid of interest is operably linked to said gene expression regulatory element.
- D* 2. (Amended) The method of Claim 1, wherein said gene expression regulatory element comprises a promoter element.
3. (Amended) The method of Claim 1, wherein said [regulatory element] nucleic acid of interest comprises a fusion peptide.

26. (Amended) A method for the cloning of nucleic acid libraries, comprising:

a) providing:

i) a plurality of first nucleic acid constructs comprising, in operable order, an origin of replication, a first sequence-specific recombinase target site, and a nucleic acid member from a nucleic acid library;

ii) a plurality of second nucleic acid constructs comprising, in operable order, an origin of replication, a gene expression regulatory element and a second sequence-specific recombinase target site adjacent to and downstream from said gene expression regulatory element; and

iii) a site-specific recombinase;

b) contacting said plurality of first and second nucleic acid constructs with said site-specific recombinase under conditions such that said plurality of first and second nucleic acid constructs are recombined to form a plurality of third nucleic acid constructs, wherein said nucleic acid members from said nucleic acid library are operably linked to said gene expression regulatory elements.

#### REMARKS

In the Office Action dated August 18, 1999, the Examiner rejected claims 1-10 and 26 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 16-19 of U.S. Patent No. 5,851,808 issued to Elledge.

Applicant respectfully submits herewith a terminal disclaimer under 37 C.F.R. §1.321 that is signed by an attorney of record and a check for the required fee. Applicant, therefore, respectfully